



Practitioner's Docket No. TF-2018-03-RE

PATENT

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
(BY INVENTOR(S) OR ASSIGNEE)**

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is described and claimed in letters patent number 5,609,938, granted on March 11, 1997, and for which invention I solicit a reissue patent on the invention entitled IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

the specification of which

☒ is attached hereto.

☐ was filed on _____, as reissue application number / and was amended on _____ (if applicable).

☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant)

Title

of _____,
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____,

_____, that the entire title to letters patent number _____,

for _____,

granted on _____, 19____ to _____

Inventor(s)

is vested in _____

Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (if only one name is listed) or an original, first and part inventor (if plural names are listed) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

☒ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

PRIORITY CLAIM

NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

C. ☒ No such applications have been filed.

D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| Country | Application No. | Date of filing (day, month, year) | Date of issue (day, month, year) | Priority Claimed |
|---------|-----------------|--------------------------------------|-------------------------------------|---|
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

BENEFIT OF PROVISIONAL APPLICATION

**STATEMENT OF INOPERATIVENESS
OR INVALIDITY OF ORIGINAL PATENT**
(37 C.F.R. § 1.175)

That I believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

☐ a defective specification

☐ a defective drawing

☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1).

That the error listed above, which are being corrected, up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2).

NOTE: For any error corrected not covered by this declaration applicant must submit, before allowance, a supplemental declaration stating that every such error arose without any deceptive intention on the part of the applicant. 37 C.F.R. § 1.175(b)(1).

☐ Corroborating affidavits or declarations of others accompany this declaration.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature(s)

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Rodney M. Shields

Inventor's signature _____

Date _____ Country of Citizenship US

Residence _____

Post Office Address 3142 Sweetbriar Court
Lafayette, CA 94549

Full name of second joint inventor, if any _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

Creative Minds Foundation
(type name of assignee)
2316 Baynard Blvd.
Address of assignee
Wilmington, DE 19802

Title of person authorized to sign on behalf of assignee _____

☒ Assignment recorded in PTO on June 23, 1993

Reel 6648

Frame 0188

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
or ☐ FORM PTO 1595 is submitted herewith along with the assign-
ment _____



Practitioner's Docket N . TF-2018-03-RE

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON
WITH SUFFICIENT PROPRIETARY INTEREST ON BEHALF OF
NONSIGNING INVENTOR(S) WHO REFUSE(S) TO SIGN
OR CANNOT BE REACHED (37 CFR 1.47(b))**

I, Gregory E. Ross
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf
of such person (entity))

hereby declare that:

I. I am a citizen of Australia
residing at 2007 Long Leaf Court
Santa Rosa, CA 95403

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary
interest,

(complete the following information, if applicable):

Creative Minds Foundation
Name of assignee or entity having sufficient proprietary interest
2316 Baynard Blvd., Wilmington, D.E. 19802
Address of assignee or entity having sufficient proprietary interest
President
Title of person executing this declaration and authorization to sign on behalf of assignee or entity having
sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent
for:

Full name of (first, second, etc.) Rodney M. Shields
nonsigning inventor who

- ☒ refused to sign.
☐ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space
in the declaration, adding the words "nonsigning inventor-completed on added page."

United States of America
Country of Citizenship of nonsigning inventor
3142 Sweetbriar Circle
Last known address of nonsigning inventor
Lafayette, CA 94549

Jun-25-99 02:47P FEI AND FEIX

1-050-342-4683

P.07

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor). MPEP § 409.03(a), 6th ed.

IV. Upon information and belief, I aver those facts that the inventor is required to state, 37 CFR 1.64(b).

V. Accompanying this declaration is:


- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR.
- (2) A STATEMENT BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR ESTABLISHING PROPRIETARY INTEREST.

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

- (3) the petition fee of \$130.00. (37 C.F.R. 1.17(i))

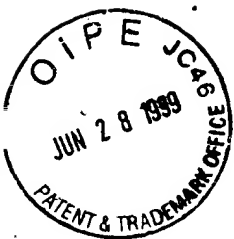
Date:

JUNE 26, 1999 

Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity

Gregory E. Ross, President

Creative Minds Foundation



Practitioner's Dock # TF-2018-03-RE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rodney M. Shields

For: Image Display Apparatus With Holes For Opposite Side Viewing

(check and complete (a), (b), or (c))

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on March 11, 1999 as Application No. 09 / 267,025 and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**

I, I,

Gregory E. Ross

Name of person making statement

2007 Long Leaf Court

Residing at

Santa Rosa, CA 95403

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

- II. As of the date I signed the declaration for this application, the proprietary interest in this invention:
(check one)

☐ belonged to me.

☒ belonged to the following juristic person:

Creative Minds Foundation

Name of company or other juristic person:

2316 Baynard Blvd., Wilmington, DE 19802

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)

President

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. Where this happens proof of this authority in the form of a statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b), 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. 37 C.F.R. § 1.41(c) and M.P.E.P. § 409.03(b), 7th ed.

III. A. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: Documents that are not in the English language should be accompanied by an English translation. M.P.E.P. § 409.03(f), 7th ed.

- (d) ☒ attaching a copy of the assignment of this invention by the nonsigning inventor.
(e) ☐ attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention.

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be established in this statement that those conditions have been met. M.P.E.P. § 409.03(f), 7th ed.

OR

- B. ☐ Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

In accordance with 37 C.F.R. § 3.73, the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)).

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar that should identify the act or publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved. M.P.E.P. § 409.03(g), 7th ed.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the omitted inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. M.P.E.P. § 409.03(g), 7th ed.

NOTE: This section may be omitted if it is completed in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

(use Supplemental Page(s) if necessary)

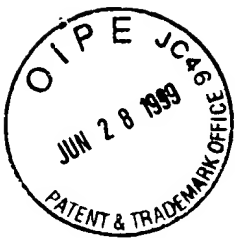
See Statement of Facts in Support of Filing
on behalf of Nonsigning Inventor

Date: X

X
Signature of person making statement

☐ Plus _____ added page(s)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor **[1-7]**
—page 3 of 3)



Practitioner's Dock t No. TF-2018-03-RE

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON
WITH SUFFICIENT PROPRIETARY INTEREST ON BEHALF OF
NONSIGNING INVENTOR(S) WHO REFUSE(S) TO SIGN
OR CANNOT BE REACHED (37 CFR 1.47(b))**

I, Gregory E. Ross
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

hereby declare that:

I. I am a citizen of Australia
residing at 2007 Long Leaf Court
Santa Rosa, CA 95403

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary interest,

(complete the following information, if applicable):

Creative Minds Foundation
Name of assignee or entity having sufficient proprietary interest
2316 Baynard Blvd., Wilmington, D.E. 19802
Address of assignee or entity having sufficient proprietary interest
President
Title of person executing this declaration and authorization to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Full name of (first, second, etc.) Rodney M. Shields
nonsigning inventor who

- ☒ refused to sign.
☐ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

United States of America
Country of Citizenship of nonsigning inventor
3142 Sweetbriar Circle
Last known address of nonsigning inventor
Lafayette, CA 94549

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts In Support of Filing on Behalf of Nonsigning Inventor). MPEP § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 CFR 1.64(b).

V. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR,
- (2) A STATEMENT BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR ESTABLISHING PROPRIETARY INTEREST,

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

- (3) the petition fee of \$130.00. (37 C.F.R. 1.17(i))

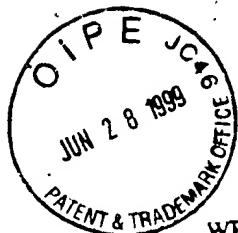
Date: _____

Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity

Gregory E. Ross, President

Creative Minds Foundation

081728



Attorney Docket No. 14711-1

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, Rodney M. Shields, 217 Ramona Road, Danville, CA 94526; hereinafter referred to as "Assignor", is the inventor of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **IMAGE DISPLAY APPARATUS**

Date of execution: June 23, 1993; Filing date: _____ Serial No.: _____; and

WHEREAS, Creative Minds Foundation, a Delaware corporation located at 2316 Baynard Blvd., Wilmington, Delaware 19802, hereinafter referred to as "Assignee", is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same.

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Rodney M. Shields
Rodney M. Shields

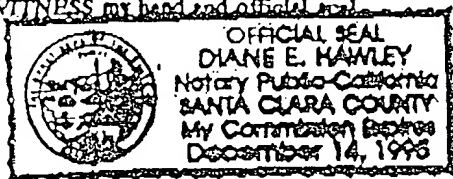
6-23-93
Date

STATE OF California)

COUNTY OF Santa Clara) ss.

On June 23, 1993, before me, the undersigned notary public, personally appeared Rodney M. Shields, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Signature Diane E. Hawley

RECORDED NOTARY PUBLIC

TOWNSEND and TOWNSEND KHOURIE AND CREW
One Market Plaza
Steuart Street Tower, 20th Floor
San Francisco, California 94105

JUN 23 93



Practitioner's Docket No. TF-2018-03-RE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rodney M. Shields

For: Image Display Apparatus With Holes For Opposite Side Viewing

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on March 11, 1999, as Application Serial No. 09 / 267,025
and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____,
filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☒ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Thomas C. Feix

Name

241 North San Mateo Drive

Address

San Mateo, CA 94401

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.

Rodney M. Shields

Full name of nonsigning inventor
3142 Sweetbriar Circle

Last known address of nonsigning inventor
Lafayette, CA 94549

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

**DETAIL OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS**

1. On March 4, 1999, I, Thomas C. Feix, the attorney of record, received a facsimile letter from Greg Ross, President of the corporate applicant, Creative Minds Foundation, with instructions to prepare and file a broadened reissue application of United States Patent No.: 5,609,938 issued March 11, 1999. The facsimile letter of March 4, 1999 also included a proposed draft of new and amended claims to be presented in the broadened reissue application.
2. On March 9, 1999 I telephoned the inventor, Rodney M. Shields, to advise him that Greg Ross wanted to file a reissue application. Mr. Shields expressed his willingness to cooperate in the filing of the reissue application by (1) reviewing a proposed preliminary amendment to the claims accompanying the reissue application and (2) signing any necessary application papers.
3. On March 11, 1999, 10:30 am, I sent an eleven page facsimile transmission to Mr. Shields. The eleven pages of the facsimile transmission included two pages of the '938 patent containing the original granted claims, a proposed preliminary amendment to the claims to accompany the reissue application, and a REISSUE APPLICATION BY INVENTOR, OFFER TO SURRENDER form for signature by Mr. Shields. A copy of the March 11, 1999, 10:30 am facsimile transmission with transmission report is enclosed herewith (as Enclosure 1). I did not send a complete copy of the '938 patent to Mr. Shields as Mr. Shields confirmed in a earlier conversation that he already had a complete copy of the '938 patent.
4. At 11:34 am on March 11, 1999, I sent a second facsimile transmission to Mr. Shields enclosing a REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form with signing instructions. A copy of the second facsimile transmission is enclosed herewith (as Enclosure 2). Later that day on March 11, 1999, I had a follow up telephone conversation with Mr. Shields to discuss the breadth of the proposed claims. When asked whether he would execute and return the signature papers in time for filing the reissue application by the 4:30 pm Express Mail deposit deadline, Mr. Shields did not say whether he would sign the application papers. I then filed the reissue application with unsigned inventor's declaration with the United States Patent and Trademark Office by U.S. Express Mail.
5. I received the Official Filing Receipt (Form PTO-103X) and NOTICE TO FILE MISSING PARTS OF APPLICATION *FILING DATE GRANTED* at the end of March 1999.

6. On March 31, 1999, I sent an advisory letter to Greg Ross (with copy to Mr. Shields) enclosing the Official Filing Receipt and NOTICE TO FILE MISSING PARTS OF APPLICATION *FILING DATE GRANTED* along with the application papers for Mr. Shields signature. A copy of this letter is enclosed herewith (as Enclosure 3).

7. On or about May 1, 1999, I made a telephone call to Greg Ross for a status update on the signing of the application papers by Rodney Shields. Mr. Ross was unavailable but I did speak with Richard Niehuser, an agent for Mr. Ross. I advised Mr. Niehuser to contact Rodney Shields and request that he return to me the executed application papers in time for filing the Response to the NOTICE TO FILE MISSING PARTS OF APPLICATION *FILING DATE GRANTED*. Mr. Niehuser called me on or about June 16, 1999 to inform me that he has sent two letter to Rodney Shields but has not received any indication From Mr. Shields that he would sign and return the application papers.

8. On June 23, 1999, 3:45 pm, I telephoned Mr. Shields. Mr. Shields told me that he heard from one of his "sources" that some third party (unknown to him) was making some claim of prior inventorship in certain features of the '938 patent. Mr. Shields also asserted that Greg Ross had been made aware of this situation. Mr. Shields also informed me that he would not sign the declaration papers until he was provided with full disclosure of information concerning the unknown third party's claim of prior inventorship in certain features of the '938 patent. I informed Mr. Shields that I was unaware of any such claim.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

The present application, Serial No.: 09/267,025 filed March 11, 1999, is an application for reissue of United States Patent No. 5,609,938 issued on March 11, 1997 (hereafter "the '938 patent").

The invention disclosed in the '938 patent has been assigned to the applicant Creative Minds Foundation in the assignment recorded in the Patent and Trademark Office on June 23, 1993, Reel 6648, Frame 0188. A copy of the assignment is being provided as an attachment to the STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR submitted concurrently herewith. A copy of the assignment was also previously submitted as an attachment to the unsigned REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER (37 CFR 1.178) as originally filed on March 11, 1999.

As stated in the REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY (unsigned by the inventor) filed on March 11, 1999, the '938 patent is believed to be inoperative or invalid by reason of the patentee claiming less than the patentee had a right to claim in the '938 patent. The reissue application presents amended claims that are believed to be broader in scope than the granted claims and also presents new claims that are directed to important embodiments and features that are presently unclaimed in the '938 patent.

Since this reissue application is believed to contain one or more claims that enlarge the scope of the granted claims of the '938 patent, the filing date of March 11, 1999 is necessary to obtain a broadened reissue under 35 USC § 251, last paragraph. Irreparable damage will be suffered by the assignee if the March 11, 1999 filing date is not granted.

Date: June 26, 1999

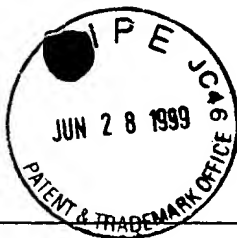


Signature of person making statement

Thomas C. Feix

☐ Plus _____ Added Page(s)

HP OfficeJet
Personal Printer/Fax/Copier



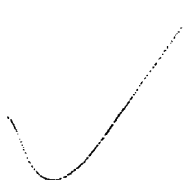
Fax Log Report for
FEIX AND FEIX
1-415-342-4683
Mar-11-99 10:40 AM

| <u>Identification</u> | <u>Result</u> | <u>Pages</u> | <u>Type</u> | <u>Date</u> | <u>Time</u> | <u>Duration</u> | <u>Diagnostic</u> |
|-----------------------|---------------|--------------|-------------|-------------|-------------|-----------------|-------------------|
| 19252837738 | OK | 11 | Sent | Mar-11 | 10:33A | 00:06:25 | 002180430020 |

1.1.0 2.8

TF-2018-03-RE

GA



**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
(BY INVENTOR(S) OR ASSIGNEE)**

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5,609,938, granted on March 11, 1997, and for which invention I solicit a reissue patent on the invention entitled IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

the specification of which

☒ is attached hereto.☐ was filed on _____, as reissue application number / and was amended on _____ (*if applicable*).☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant)

Title

of _____
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____,

_____, that the entire title to letters patent number _____,

for _____,

granted on _____, 19____ to _____
Inventor(s)

is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.



ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

☒ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

PRIORITY CLAIM

NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

- C. ☒ No such applications have been filed.
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| Country | Application No. | Date of filing (day, month, year) | Date of issue (day, month, year) | Priority Claimed |
|---------|-----------------|--------------------------------------|-------------------------------------|---|
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| |
|--|
| |
| |
| |
| |

BENEFIT OF PROVISIONAL APPLICATION

| |
|--|
| |
| |
| |

**STATEMENT OF INOPERATIVENESS
OR INVALIDITY OF ORIGINAL PATENT**
(37 C.F.R. § 1.175)

That I believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

☐ a defective specification

☐ a defective drawing

☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1).

That the error listed above, which are being corrected, up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2).

NOTE: For any error corrected not covered by this declaration applicant must submit, before allowance, a supplemental declaration stating that every such error arose without any deceptive intention on the part of the applicant. 37 C.F.R. § 1.175(b)(1).

☐ Corroborating affidavits or declarations of others accompany this declaration.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature(s)

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Rodney M. Shields

Inventor's signature _____

Date _____ Country of Citizenship US

Residence _____

Post Office Address 3142 Sweetbriar Court
Lafayette, CA 94549

Full name of second joint inventor, if any _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

Creative Minds Foundation
(type name of assignee)
2316 Baynard Blvd.
Address of assignee
Wilmington, DE 19802

Title of person authorized to sign on behalf of assignee

☒ Assignment recorded in PTO on June 23, 1993

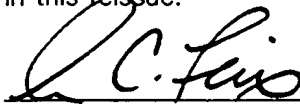
Reel 6648

Frame 0188

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
or ☐ FORM PTO 1595 is submitted herewith along with the assign-
ment _____

STATEMENT BY ASSIGNEE

- ☒ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.



Signature of assignee or person authorized to
sign on behalf of assignee

(check proper box(es) for any added page(s) forming a part of this declaration)

- ☐ Signature for third and subsequent joint inventors. Number of pages added. _____
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. _____
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added. _____
- ☒ Statement of inoperativeness or invalidity of original patent. 37 C.F.R. § 1.175. Number of pages added 2
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating statements of others.



Practitioner's Dock t N . TF-2018-03-RE

PATENT

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
(BY INVENTOR(S) OR ASSIGNEE)

(complete A or B)

A. ☒ DECLARATION BY THE INVENTOR(S)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is described and claimed in letters patent number 5,609,938, granted on March 11, 1997, and for which invention I solicit a reissue patent on the invention entitled Image Display Apparatus With Holes For Opposite Side Viewing

the specification of which

- ☐ is attached hereto.
- ☒ was filed on March 11, 1999, as reissue application number 09/267,025 / and was amended on _____ (*if applicable*).
- ☐ I hereby declare that there is no assignee for this application.

NOTE: "Where no assignee exists, applicant should affirmatively state that fact. If the file record is silent as to the existence of an assignee, it will be presumed that no assignee exists." M.P.E.P., 6th ed., rev. 1, § 1410.01.

B. ☐ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration, if the reissue application does not seek to enlarge the scope of the claims of the original patent. 37 C.F.R. § 1.172.

(type or print name of declarant) Title _____

of _____
Name of company or legal entity on whose behalf declarant is authorized to sign

declare that I am a citizen of _____ and resident of _____,
_____, that the entire title to letters patent number _____,
for _____,
granted on _____, 19____ to _____
Inventor(s)

is vested in _____
Name of company or legal entity

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter that is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. § 1.175)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

- ☐ In compliance with this duty, there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.98.

PRIORITY CLAIM

NOTE: A "claim" for the benefit of an earlier filing date in a foreign country under 35 U.S.C. 119(a)-(d) must be made in a reissue application even though such a claim was made in the application on which the original was granted. However, no additional certified copy of the foreign application is necessary. M.P.E.P., 6th ed., rev. 1, § 1417.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

- C. ☒ No such applications have been filed.
D. ☐ Such applications have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

| Country | Application No. | Date of filing (day, month, year) | Date of issue (day, month, year) | Priority Claimed |
|---------|-----------------|--------------------------------------|-------------------------------------|--|
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |
| | | | | <input type="checkbox"/> YES NO <input type="checkbox"/> |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

BENEFIT OF PROVISIONAL APPLICATION

**STATEMENT OF INOPERATIVENESS
OR INVALIDITY OF ORIGINAL PATENT**

(37 C.F.R. § 1.175)

That I believe the original patent to be

☒ partly

☐ wholly

inoperative or invalid by reason of (37 C.F.R. § 1.175(a)(1)):

(check all items that may apply)

☐ a defective specification

☐ a defective drawing

☒ the patentee claiming more or less than the patentee had a right to claim in the patent.

NOTE: At least one error must be relied upon as the basis for the reissue. 37 C.F.R. § 1.175(a)(1).

That the error listed above, which are being corrected, up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2).

NOTE: For any error corrected not covered by this declaration applicant must submit, before allowance, a supplemental declaration stating that every such error arose without any deceptive intention on the part of the applicant. 37 C.F.R. § 1.175(b)(1).

☐ Corroborating affidavits or declarations of others accompany this declaration.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature(s)

☒ **BY THE INVENTOR(S)**

Full name of sole or first inventor Rodney M. Shields

Inventor's signature X

Date X Country of Citizenship US

Residence _____

Post Office Address 3142 Sweetbriar Court
Lafayette, CA 94549

Full name of second joint inventor, if any _____

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

☐ **BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE**

NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).

(complete the following, if applicable)

Creative Minds Foundation
(type name of assignee)
2316 Baynard Blvd.
Address of assignee
Wilmington, DE 19802

Title of person authorized to sign on behalf of assignee

☒ Assignment recorded in PTO on June 23, 1993

Reel 6648

Frame 0188

☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET"
or ☐ FORM PTO 1595 is submitted herewith along with the assign-
ment _____

STATEMENT BY ASSIGNEE

- ☒ Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

Signature of assignee or person authorized to
sign on behalf of assignee

(check proper box(es) for any added page(s) forming a part of this declaration)

- ☐ Signature for third and subsequent joint inventors. Number of pages added. _____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. _____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. § 1.47. Number of pages added. _____.
- ☒ Statement of inoperativeness or invalidity of original patent. 37 C.F.R. § 1.175. Number of pages added 2.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.
- ☐ Corroborating statements of others.

Practitioner's Docket No. TF-2018-03-RE**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Rodney M. Shields

For: Image Display Apparatus With Holes For Opposite Side Viewing

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☒ was filed on March 11, 1999, as Application Serial No. 09 / 267,025 and was amended on _____ (if applicable).
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☒ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6] page 1 of 8)

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Richard Niehuser
Name
3343 Industrial Drive, No. 2
Address
Santa Rosa, CA 95403

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.

Rodney M. Shields

Full name of nonsigning inventor
3142 Sweetbriar Circle

Last known address of nonsigning inventor
Lafayette, CA 94549

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.

DETAIL OF REFUSAL OF NONSIGNING INVENTOR
TO SIGN APPLICATION PAPERS

1. At the request of Thomas C. Feix, I mailed a letter dated May 5, 1999 to Rodney Shields enclosing a copy of a REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form and a copy of a REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form and requested that he sign and return the enclosed forms to Thomas C. Feix. A copy of my May 5, 1999 letter is enclosed herewith (as Enclosure 4).
2. On June 16, 1999, I sent another letter to Rodney Shields via Express Mail Return Receipt enclosing a copy of the REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form and a copy of the REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form. A copy of my June 16, 1999 letter is enclosed herewith (as Enclosure 5). A copy of the Express Mail Return Receipt with Mr. Shields signature is enclosed herewith (as Enclosure 6).
3. On June 22, 1999, I received a telephone message from Mr. Shields indicating that he would not sign the application papers at this time.

page 4 of 6

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

The present application, Serial No.: 09/267,025 filed March 11, 1999, is an application for reissue of United States Patent No. 5,609,938 issued on March 11, 1997 (hereafter "the '938 patent").

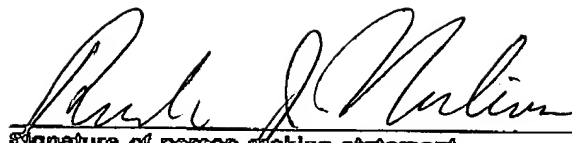
The invention disclosed in the '938 patent has been assigned to the applicant Creative Minds Foundation in the assignment recorded in the Patent and Trademark Office on June 23, 1993, Reel 6648, Frame 0188. A copy of the assignment is being provided as an attachment to the STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR submitted concurrently herewith. A copy of the assignment was also previously submitted as an attachment to the unsigned REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER (37 CFR 1.178) as originally filed on March 11, 1999.

As stated in the REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY (unsigned by the inventor) filed on March 11, 1999, the '938 patent is believed to be inoperative or invalid by reason of the patentee claiming less than the patentee had a right to claim in the '938 patent. The reissue application presents amended claims that are believed to be broader in scope than the granted claims and also presents new claims that are directed to important embodiments and features that are presently unclaimed in the '938 patent.

Since this reissue application is believed to contain one or more claims that enlarge the scope of the granted claims of the '938 patent, the filing date of March 11, 1999 is necessary to obtain a broadened reissue under 35 USC § 251, last paragraph. Irreparable damage will be suffered by the assignee if the March 11, 1999 filing date is not granted.

page 5 of 6

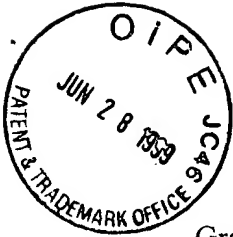
Date: June 25, 1999


Signature of person making statement
Richard Niehusor

() Plus _____ Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page ⁶/₆ of ⁶/₆)





**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT 37 C.F.R. § 1.175)**

Granted claims 1, 5, and 6 of U.S. Letters Patent No. 5,609,938 (hereinafter the '938 patent) contain a error that occurred without deceptive intent that renders the '938 patent partially inoperative as a legal document by reason of my claiming less than I had a right to claim.

Specifically, claim 1, subparagraph a) iii) recites a "pressure sensitive adhering means" for removably adhering the perforated transparent panel to a perforated protective liner to permit pressure sensitive application of the perforated transparent panel to a clear substrate. I believe that the term "pressure sensitive" which precedes the "adhering means" limitation unduly restricts the scope of claim 1. The specification teaches that the releasable bond between the panel assembly and the protective liner and the panel assembly and a clear substrate may be achieved by using a transfer adhesive (see Column 9, lines 1-2) or by selecting a panel material having static cling properties (see Column 8, lines 57-59, and claim 6). While a transfer adhesive is pressure sensitive, static cling materials are not, by definition, "pressure sensitive". Instead, a material with static cling properties forms a releasable bond with other materials by electrostatic attraction. Granted claim 6 further defines the "pressure sensitive adhering means" as a material which comprises static cling properties. I understand that under the doctrine of "claim differentiation", dependent claims can be used to exemplify the breadth of the claim(s) from which they depend. Granted claim 6 is clearly at odds with granted claim 1. Claims 1, 5, and 6 have been amended to delete reference to all occurrences of the term "pressure sensitive" which precedes the "adhering means" limitation. This amendment is necessary to clarify that dependent claims 6 is narrower in scope that independent claim 1.

important features of my invention were not claimed. I understand that dependent claims are important and can be used to secure specific coverage that protects particular features of a commercial embodiment in the event that subsequently discovered prior art may invalidate any of the independent claims. The inclusion of dependent claims that cover the many important features of my invention is critical as a hedge against litigation. Accordingly, this reissue application is also being filed to add several dependent claims that capture important features that are presently unclaimed.

The granted claims of the '938 patent are directed to an interior mount panel assembly. However, the '938 patent also contains disclosure directed to an exterior mount panel assembly. Accordingly, a second error of claiming less than I had a right to claim in the '938 patent involves not including claims directed to this exterior mount embodiment. Claims 15 to 21 adding by the preliminary amendment submitted herewith are directed to the exterior mount embodiment. Accordingly, this reissue application is also being filed to add an independent claim and several dependent claims that capture an important embodiment and features of that embodiment that are presently unclaimed.

No new matter has been added to the '938 patent.